



DOCKET NO.: CC-3184

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Brian Fields**

**Confirmation No.: 9252**

**Application No.: 09/857,145**

**Group Art Unit: 3727**

**Filing Date: May 31, 2001**

**Examiner: Mai, Tri M.**

**For: SMALL DIAMTER CAN END WITH LARGE OPENING**

**EXPRESS MAIL LABEL NO: EV 765636515 US**  
**DATE OF DEPOSIT: March 16, 2006**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of reference numbers **11 thru 35** listed on the attached Form PTO-1449 are enclosed herewith.

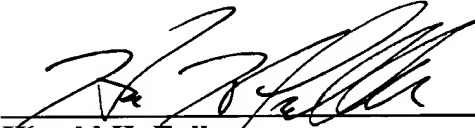
- ☒ Copies of reference numbers **36** on the attached Form PTO 1449 are not required to be submitted pursuant to the waiver of 37 CFR § 1.98(a)(2)(i).

☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

English language translations have been provided for reference(s) 33, which are not in the English language..

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: **March 16, 2006**

  
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**Harold H. Fullmer**  
Registration No. **42,560**

**WOODCOCK WASHBURN LLP**  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439



<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office		Docket No. <b>CC-3184</b>	Application No. <b>09/857,145</b>
		Applicant <b>Brian Fields</b>	
		Filing Date <b>May 31, 2001</b>	Group <b>3727</b>
		Confirmation No. <b>9252</b>	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
	<b>11</b>	Letter from K. Bergen (Opponent) 01 (Stolle) Responding to Patentee's Submission of January 17, 2005, <b>September 9, 2005</b> , 8 pages, with attached Declaration of Kenneth F. Fultz, (Exhibit 2.9), 07/01/05, Declaration of Timothy A. Fleming, (Exhibit 2.10), 06/30/05, Purchase Order No. 26359A of Formatec Tooling Systems, Inc., (Exhibit 2.11), 09/16/96, Declaration of Leslie Talmadge, (Exhibit 2.12), 07/29/05, Agreement Relating to Purchasing of Ends, 10/31/97, 5 pages, 202 Diameter Stolle Large Opening End Reference Sheet, 09/06/96, 1 page, 202 Diameter Stolle Conventional Opening End Reference Sheet, 03/10/97, 1 page, Compound Placement and Dry Film Weight, 04/16/96, 1 page, Recommended Double Seam Set Up and Operating Specifications for 202/211 X 413 Multi Necked-In Two Piece Aluminum Beer and Beverage Cans, 03/03/97, 1 page, Invoice # 07784, from Metal Packaging International, Inc., 06/17/98, 1 page, Bill of Lading Short Form with Rail Car or trailer No. 532466, 1 page	
	<b>12</b>	Patentee's Reply to an Examination Report in Opposition Proceedings (Communication pursuant to Art. 101 (2), and Rule 58(1) to (4) EPC, <b>January 17, 2005</b> , w/amended claims, 10 pages	
	<b>13</b>	Letter from Gill Jennings & Every (Opponent 2) (Rexam) regarding Assertion that Claims Violate Articles 84, 123 (2), and 123(3) and Lack Inventive Step, <b>November 12, 2004</b> , 1 page	
	<b>14</b>	Letter from K. Bergen (Opponent 01-Stolle) Statement in Response to Patentee's Stolle Machinery Company, LLC., <b>November 12, 2004</b> , with attached Exhibits M1.1 & M1.2- Documents relating to Opponents Corporate Structure	
	<b>15</b>	Purchase Order No 26360 of Formatec Tooling Systems, Inc., <b>September 16, 1996</b> , Exhibit 2.4, 1 page	
	<b>16</b>	Order Verification of Stolle Machinery, Exhibit 2.5, 1 page	
	<b>17</b>	Letter to Mr. Tim Fleming of Formatec Tooling Systems, Inc., from Beth Rivera of Stolle, <b>November 4, 1996</b> , Exhibit 2.6, 1 page	
	<b>18</b>	Indented Standard Bill of Material of Stolle Machinery "printout from Stolle's database", Exhibit 2.7, 16 pages	
	<b>19</b>	Customer Order Line Release, Exhibit 2.8, 1 page	
	<b>20</b>	Crown C&S Fax to Stoll Machinery, Exhibit 5.1, 1 page	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	



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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
	<b>21</b>	Order Verification of Stolle Machinery, Exhibit 5.2, 1 page	
	<b>22</b>	Single Level Standard Bill of Material of Stolle Material, Exhibit 5.3, 2 pages	
	<b>23</b>	Drawing- Material Specification, Exhibit 5.4, 2 pages	
	<b>24</b>	Invoice Number [unreadable] of Stolle Machinery, Inc., Exhibit 5.5, 3 pages	
	<b>25</b>	Letter from James M. Holthaus, Stolle Machinery, Inc. to Crown Cork & Seal regarding "202 Large Score Opening-System "7" Presses in Mankato, Olympia, Batesville-Proposal # EO-03829-96", <b>July 15, 1996</b> , 1 page	
	<b>26</b>	Letter from James M. Holthaus, Stolle Machinery, Inc. to Crown Cork & Seal regarding "Anti-Missile Score Parts Proposal # EO-03901-96, Provisional Opinion of the Opposition Division", <b>September 26, 1996</b> , 6 pages	
	<b>27</b>	Communication Pursuant to Article 101(2) and Rule 58(1) to (3) EPC, <b>July 12, 2004</b> , 7 pages	
	<b>28</b>	Reply by the Patentee to the Notice of Opposition, <b>November 11, 2003</b> , with attached Facsimile of Mr. Brian Fields of Crown Cork & Seal to Mr. Wayne Spoltman of Stolle, ANNEX CC& S 1, 2 pages,	
	<b>29</b>	Memorandum of Mr. Brian Fields of Crown Cork & Seal to Mr. Wayne Spoltman of Stolle, ANNEX CC&S 2, 1page and Crown Drawings 3-3009748-B, 3-3009759-A, E-mail Correspondence between Mr. Brian Field of Crown Cork & Seal and Mr. Wayne Spoltman of Stolle, ANNEX-CC&S 3, 1 page, E-mail Correspondence from Mr. Brian Field of Crown Cork & Seal to Mr. Wayne Spoltman, ANNEX-CC&S 4, 1 page	
	<b>30</b>	Notice of Opposition to European Patent No.: 1,135,300 by Rexam Beverage Can Company, <b>April 30, 2003</b> , 15 pages	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	



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	<b>31</b>	Reprint of "Packaging Strategies", <b>August 31, 1996</b> , 14(16), 3 pages	
	<b>32</b>	"Beverage Can, End, & Double Seam Dimensional Specifications, <i>Society of Soft Drink Technologies</i> , <b>August 1993</b> , Fourth Revision, Sections 1b and 1e, 14 pages	
	<b>33</b>	Notice of Opposition to EP Patent No.: 1,135,300 by Opponent Stolle Machinery Company ( <b>German Language document w/attached English language translation</b> ), <b>April 29, 2003</b> , 23 pages	
	<b>34</b>	Letter from Mr. Ken Fultz of Stolle Machinery Company to Mr. Brian Fields of Corwn Cork & Seal regarding "Proposal # 1225 A PM-280 Conversion-2002 Superend", E 1.1., 1 page, Letter from Mr. Brian Fields of Crown Cork & Seal to Mr. Ken Fultz of Stolle Machinery regarding Stolle Machinery Drawing D-202033( 2 versions), 3 pages, E1.3, Purchase Order by Crown Cork & Seal to Stolle Machinery, 2 pages, E1.4, Purchase Order 26361 of Formatec Tooling Systems, Inc. to Stolle Machinery, E2.1, 1 page, Stolle Machinery Drawing # S202015, 2 pages, E2.2, "Comparasion of the Shape of the Opening of a Can End of the LOE 202 Type and of the 202 Superend Type", E2.3, 1 page	
	<b>35</b>	English Translation of EP 0 432 659 A1 dated 06/19/91, (Already of record in the case), 18 pages	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	

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Patent and Trademark Office

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**Brian Fields**

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Group  
**3727**

Confirmation No.  
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**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	36	D 387,666	12/16/97	Wise	D9	438

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO

**EXAMINER****DATE CONSIDERED**